

Analysis of a sample of the article by this department showed that it consisted essentially of small proportions of iron, aluminum, magnesium, and sodium compounds, and boric acid, extracts of plant drugs including *nux vomica*, sulphuric acid, and water (91.5 per cent), flavored with sassafras oil.

The article was labeled in part: "Wonder Poultry Tonic. * * * White Diarrhea (Coccidiosis)—In baby chicks, turkeys or geese give one tablespoonful of Wonder Poultry Tonic to each gallon of clean drinking water. Continue the treatment until the disease disappears. * * * To Aid in Preventing Many Infectious Diseases—Use two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water, twice weekly. * * * Increase Egg Production—Wonder Poultry Tonic acts not only as a tonic, but has marked germicidal properties as well. It also regulates the digestive organs and keeps the body toned up, making your fowls egg producers. Use three tablespoonfuls of Wonder Poultry Tonic to the gallon of water for mixing soft feed. * * * You will get healthier fowls and therefore higher egg production. * * * For the Preventive Treatment of Cholera, Roup and White Diarrhea * * * Roup—Use two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water until the disease disappears. * * * To aid in the treatment of the affected birds mix three tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water. Cholera—Preventive treatment. The spread of this highly infectious disease can be checked, * * * using two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water for the entire flock, until the disease has disappeared. Bowel Trouble—Many types of bowel trouble, due to impure water or food can be prevented by using two tablespoonfuls of Wonder Poultry Tonic to each gallon of drinking water."

It was alleged in the libel, as amended, that the article was misbranded in that the above-quoted statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 9, 1931, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18079. Adulteration and misbranding of Neo-Cultol. U. S. v. 71 Bottles of Neo-Cultol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24751. I. S. No. 028028. S. No. 3112.)

Examination of a sample of a drug product, known as Neo-Cultol, from the shipment herein described having shown that it contained no viable (living) lactobacilli and that the label represented the article to possess curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 13, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 71 bottles of Neo-Cultol, remaining in the original and unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Arlington Chemical Co., Yonkers, N. Y., on or about April 24, 1930, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard under which it was sold, namely: (Carton and bottle label) "Contains in viable form the *Bacillus Acidophilus*."

Misbranding was alleged for the reason that the statement on the carton and bottle, "Contains in viable form the *Bacillus Acidophilus*," was false and misleading. Misbranding was alleged for the further reason that the statement regarding the curative or therapeutic effects of the article, "For the treatment of Auto-Intoxication," appearing on the labels, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On March 20, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*